



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

JAN 14 2013

**CERCLA 104(e) INFORMATION REQUEST**  
**URGENT LEGAL MATTER: PROMPT REPLY REQUESTED**  
**VIA CERTIFIED MAIL #7010 2780 0002 4355 0460**

Corporation Service Company  
Registered Agent for Bayer CropScience LP  
211 East 7<sup>th</sup> Street, Suite 620  
Austin, Texas 78701

Re: Cedar Chemical Corporation Superfund Site, West Helena, Phillips County, Arkansas,  
SSID No. 06NH

Dear Sir/Madam:

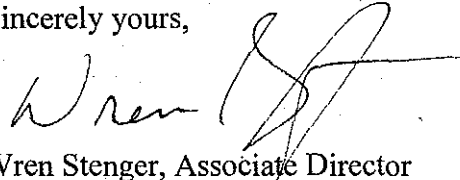
The U.S. Environmental Protection Agency (EPA) seeks cooperation from Bayer CropScience LP in providing information and documents relating to the Cedar Chemical Corporation Superfund Site (Site). The information obtained will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Bayer CropScience LP's response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that your company is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect your company to pay for or perform any site-related activities at this time. If the EPA determines that your company is responsible or potentially responsible for response activities at the Site, your company will receive a separate letter clearly stating such a determination as well as the basis the EPA has for the determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the Bayer CropScience LP to respond to this information request (see Enclosure 1). We encourage your company to give this matter its full attention, and *we respectfully request Bayer CropScience LP respond to this request for information within thirty (30) days of its receipt of this letter.* You may designate another official of Bayer CropScience LP with the requisite authority to respond on behalf of the company. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

If you have any questions regarding this letter, contact Mr. Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Mr. Marvin Benton, Attorney, at (214) 665-3190. Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Wren Stenger", with a large, stylized flourish extending from the end of the name.

Wren Stenger, Associate Director  
Technical and Enforcement Branch  
Superfund Division

Enclosures (4)

## ENCLOSURE 1

### CEDAR CHEMICAL CORPORATION SUPERFUND SITE INFORMATION REQUEST

#### RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e). 42 U.S.C. §9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at phone number (214) 665-2203, fax number (214) 665-6660 or via email at [Nixon.lance@epa.gov](mailto:Nixon.lance@epa.gov). Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Lance Nixon, Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Mr. Marvin Benton at phone number (214) 665-3190, fax number (214) 665-6660 or via email at [Benton.marvin@epa.gov](mailto:Benton.marvin@epa.gov). For contact via mail, use the following address:

Mr. Marvin Benton, Attorney  
Office of Regional Counsel (6RC-S)  
U. S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

## **BACKGROUND INFORMATION**

The Site is a former specialty chemical manufacturing facility located on about 48 acres of property in West Helena, Arkansas. Its business address is 49 Phillips Road. The Site is bounded by Arkansas Highway 242 to the northwest, the Union Pacific Railway to the northeast, and other industrial park properties to the southeast and southwest. Residential areas are located within one half mile southwest and northeast of the Site. The Site consists of six separate processing units, laboratories, a finished goods warehouse, a storm water pond, a wastewater treatment plant, a warehouse and various other buildings. The Site was originally constructed in 1970 as a Propanil manufacturing facility by the Helena Chemical Company. The Site was owned and operated by Cedar Chemical Corporation from approximately 1986 until October 2002. Environmental issues associated with the Site included abandoned chemicals, buried drums, a constructed drum vault filled with unknown chemicals, ground water contamination, surface and subsurface soil contamination, and an abandoned storm water and wastewater treatment system. There were a number of hazardous chemicals present at the Site. These substances included, but were not limited to, acetic acid, benzoic acid, carbon tetrachloride, butyl amine, copper, copper cyanide, and sodium cyanide.

## ENCLOSURE 2

### CEDAR CHEMICAL CORPORATION SUPERFUND SITE INFORMATION REQUEST

#### INSTRUCTIONS and DEFINITIONS

#### INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.

7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
9. The term "Site" shall mean and include the Cedar Chemical Corporation Site located in West Helena, Phillips County, Arkansas, both before and after the EPA response action under CERCLA.
10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

## ENCLOSURE 3

### CEDAR CHEMICAL CORPORATION SUPERFUND SITE INFORMATION REQUEST

#### QUESTIONS

1. Please provide the full legal name, mailing address, and phone number of the Respondent.
2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
3. If the respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, and fax number.
4. Please explain the business relationship between your company and Cedar Chemical Corporation.
5. Identify all transactions with the Site owners and/or operators of the Site that resulted in materials being sent to the Site by you for any purpose. Identify and provide all documents related to each transaction, including but not limited to invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose for the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. Any amounts paid by you in connection with each transaction;
  - d. The date of each transaction; and
  - e. The date the materials were sent to the Site.
6. Provide a copy of the tolling agreement between your company and Cedar Chemical, including any restatements, amendments, or other documents. If there are any other tolling agreements, or joint operating agreements, with other companies, provide copies of such agreements.
7. Identify all persons, including you, who may have arranged to have the raw materials mixed at Cedar Chemical Inc. In addition identify the owner of the hazardous materials involved in each such arrangement.
8. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.



**ENCLOSURE 4**  
**ADDITIONAL ADDRESSEES**

Rohm & Haas Company  
100 Independence Mall West  
Philadelphia, Pennsylvania 19106

CT Corporation System  
Registered Agent Rohm & Haas Company  
350 N. St. Paul Street Suite 2900  
Dallas, Texas 75201

BF Goodrich Corporation  
2730 West Tyvola, Road Four Coliseum Centre  
Charlotte, North Carolina 28217

Corporation Service Company  
Registered Agent BF Goodrich Corporation  
211 East 7<sup>th</sup> Street Suite 620  
Austin, Texas 78701

ExxonMobil Chemical Company  
13501 Katy Freeway  
Houston, Texas 77079

Britz-Oregon, Inc. d/b/a BBM Partnership  
Ted R. Frame, Registered Agent  
201 Washington Street  
Coalinga, California 93210

Oregon-California Chemicals, Inc. d/b/a BBM Partnership  
29454 Meadowview Road  
Junction City, Oregon 97448

Oregon-California Chemicals, Inc. d/b/a BBM Partnership  
William G. Wheatley, Registered Agent  
825 East Park Street  
Eugene, Oregon 97401

DuPont  
Dupont Building  
1007 Market Street  
Wilmington, Delaware 19898

Albright & Wilson  
100 Lakeridge Parkway  
Ashland, Virginia 23005

BASF  
100 Park Avenue  
Florham Park, New Jersey 07932

Chevron  
6001 Bollinger Canyon road  
San Ramon, California 94583

FMC Corporation  
1735 Market Street  
Philadelphia, Pennsylvania 19103

Syngenta  
1775 Pennsylvania Ave NW Suite 600  
Washington, DC 20006

Rhodia  
8 Cedar Brook Drive  
Cranbury, New Jersey 08512

Bayer CropScience LP  
2 T. W. Alexander Drive  
Research Triangle Park, North Carolina 27709

BP  
501 Westlake Park Boulevard  
Houston, Texas 77079